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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,919	10/24/2005	Frank Hondmann	2002P01464WOUS	8423

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BSH HOME APPLIANCES CORPORATION  
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EXAMINER
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OREILLY, PATRICK F

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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08/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/539,919

Applicant(s)

HONDMANN ET AL.

Examiner

Patrick F. O'Reilly III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-17 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: Appendix A and English translation for JP 06272925 A (machine-generated).

### DETAILED ACTION

1. This action is in response to applicant's amendment mailed on May 29, 2007.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 13-17 and 19-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US 5,788,565) in view of Japanese Patent No. 06272925 ("JP '925"). These two references, when considered together, teach all of the elements recited in **claims 13-17 and 19-24** of this application.

4. In particular, claim 13 of this application is obvious when Chang is viewed in light of the JP '925 reference. Chang discloses the invention substantially as claimed, including: at least one ventilator container (smoke exhausting device 21 – Fig. 3) for containing therein a ventilator device (sucking fan) operable to impart motion to steam and other gaseous fluid; the housing (funnel body 22) serves as a housing for at least part of said ventilator container (21) and the housing (22) is operable for receiving and guiding steam and other gaseous fluid to said ventilator container (21); said ventilator container (21) arranged at least partly in said housing (22); and one section of an external wall of said housing (22) is formed by a portion of said ventilator container (the smoke exhausting device 21 contains a top rectangular plate which forms a top section of the funnel body 22 by virtue of its engagement with a recessed projecting

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edge of the funnel body 22) and said housing (22) includes two side walls (housing side walls A1 and A2 as depicted in attached annotated Fig. 3), at least one of said side walls (A1, A2) has a bent region at its upper edge (bent regions A3 as depicted in attached annotated Fig. 3), and said bent region (A3) of said side wall (A1, A2) forms a section of the top of said housing (22) and said bent region (A3) of said side wall (A1, A2) is in engagement with at least one region of said ventilator container (the bent regions A3 of the side walls A1, A2 are in engagement with the top rectangular plate A4 of the smoke exhausting device 21). Refer to Chang, Figure 3; column 1, lines 24-27; also refer to attached Appendix A (Figure 3 of Chang with examiner's annotations).

However, claim 13 of this application further discloses that the bent region of the side wall is in engagement with at least one region of the ventilator container via a form-locking connection. Chang does not contain this additional limitation.

The JP '925 reference, although, teaches a range hood (A) having a ventilator container (fan housing/motor assembly 11) that is attached to the top surface (top plate 6) of the hood housing by virtue of a form-locking type connection (the peripheral edge of retaining plate 14 of the fan assembly 11 slidably engages groove 10a formed by holding part 10) for the purpose of facilitating the initial installation of the fan housing/motor assembly and any required service or replacement of these components thereafter, by providing an easily removable fan housing/motor assembly that is accessible from the underside of the hood housing so as to obviate the need for removing the entire range hood housing when only the fan or its associated motor requires service or replacement. See JP '925, Figures 1-4; also see previously provided English abstract for JP '925 and attached English translation for JP '925, pages 1-2, paragraph [0004]; page 3, paragraph [0011]; page 4, paragraph [0015]; and page 6, paragraphs [0026] and [0028].

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Therefore, when Chang is viewed in light of the JP '925 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the range hood assembly of Chang by replacing its top insertion-type ventilator container mounting arrangement with a ventilator container mounting arrangement wherein the ventilator container (fan housing) is removably secured to the underside of the top hood housing by virtue of a form-locking connection, as taught by the JP '925 reference, in order to facilitate the initial installation of the fan housing/motor assembly and any required service or replacement of these components thereafter, by providing an easily removable fan housing/motor assembly that is accessible from the underside of the hood housing so as to obviate the need for removing the entire range hood housing when only the fan or its associated motor requires service or replacement. See previously provided English abstract for JP '925 and attached English translation for JP '925, pages 1-2, paragraph [0004] and page 6, paragraphs [0026] and [0028].

5. In regard to claim 14, Chang further discloses that the section of said external wall of said housing formed by said portion of said ventilator container forms a top section of said housing (the smoke exhausting device 21 contains a top rectangular plate A4 which forms a top section of the funnel body 22). See Chang, Figure 3; column 1, lines 24-27; also see attached Appendix A (Figure 3 of Chang with examiner's annotations). Therefore, Chang in view of the JP '925 reference also meets the language of this claim.

6. In regard to claim 15, Chang further discloses that the portion of said ventilator container forming said section of said external wall of said housing is located in the area of an outlet connecting piece of said ventilator container (the top rectangular plate A4 of smoke exhausting device 21, which forms a top section of the funnel body 22, is located adjacent to the circular

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exhaust outlet A5 connecting piece of the smoke exhausting device 21). Refer to Chang, Figure 3; column 1, lines 24-27; also refer to attached Appendix A (Figure 3 of Chang with examiner's annotations). Consequently, Chang in view of the JP '925 reference also teaches the language of claim 15.

7. In regard to claim 16, Chang further discloses that the portion of said ventilator container (smoke exhausting device 21) forming said section of said external wall of said housing (funnel body 22) has the form of a plate (top rectangular plate A4 of smoke exhausting device 21 which is adjacent to the circular exhaust outlet connecting piece A5). See Chang, Figure 3; column 1, lines 24-27; also see attached Appendix A (Figure 3 of Chang with examiner's annotations). Thus, Chang in view of the JP '925 reference also meets the language of claim 16.

8. In regard to claim 17, Chang further discloses that the housing (funnel body 22) includes two side walls (housing side walls A1 and A2 as depicted in attached annotated Fig. 3) and at least one part of one of said side walls (A1, A2) forms a section of the top of said housing (the bent regions A3 of the housing side walls A1 and A2 form a top section of funnel body 22). Refer to Chang, Figure 3; column 1, lines 24-27; also refer to attached Appendix A (Figure 3 of Chang with examiner's annotations). Therefore, Chang in view of the JP '925 reference also meets the language of this claim.

9. In regard to claim 19, Chang further discloses that a part of an area of said side wall which forms said section of said top of said housing is in engagement with at least one region of said ventilator container (the bent regions A3 of the side walls A1, A2 are in engagement with the top rectangular plate A4 of the smoke exhausting device 21) and at least one of said side walls has a bent region at its upper edge (side walls A1, A2 have bent regions A3 at their upper

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edges). See Chang, Figure 3; column 1, lines 24-27; also see attached Appendix A (Figure 3 of Chang with examiner's annotations). Consequently, Chang in view of the JP '925 reference also teaches the language of claim 19.

10. In regard to claim 20, Chang further discloses that the housing (funnel body 22) includes a pair of housing walls each of which has a peripheral edge defining the extent of the respective housing wall in one selected direction (each of the two side walls A1, A2 of funnel body 22 has a top peripheral edge A6) and the peripheral edges (A6) of the pair of housing walls (A1, A2) being spaced from one another and said ventilator container (smoke exhausting device 21) has an exterior forming portion (top rectangular plate A4 of smoke exhausting device 21) that extends at least partially between the pair of housing walls and that is inwardly of the peripheral edges of the pair of housing walls, said exterior forming portion (top rectangular plate A4) of said ventilator container (21) forming said one section of an external wall of said housing (rectangular plate A4 of smoke exhausting device 21 forms a portion of the top external wall of funnel body 22). Refer to Chang, Figure 3; column 1, lines 24-27; also refer to attached Appendix A (Figure 3 of Chang with examiner's annotations). Thus, Chang in view of the JP '925 reference also meets the language of claim 20.

11. In regard to claim 21, Chang further discloses that the one ventilator container (smoke exhausting device 21) contains a ventilator device (sucking fan A7) in the form of a fan operable to impart motion to steam and other gaseous fluid. See Chang, Figure 3; column 1, lines 24-27; also see attached Appendix A (Figure 3 of Chang with examiner's annotations). Therefore, Chang in view of the JP '925 reference also meets the language of this claim.



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12. In regard to claim 22, Chang further discloses that at least one of said housing walls includes a projecting edge for engagement with said exterior forming portion of said ventilator container (funnel body 22 has a recessed projecting edge A8 which engages the peripheral edge of the top rectangular plate A4 of smoke exhausting device 21). Refer to Chang, Figure 3; column 1, lines 24-27; also refer to attached Appendix A (Figure 3 of Chang with examiner's annotations). Consequently, Chang in view of the JP '925 reference also teaches the language of claim 22.

13. Moreover, claim 23 of this application also is obvious when Chang is viewed in light of the JP '925 reference. This claim further discloses that the form-locking connection is formed entirely by the bent region of the side wall and the at least one region of the ventilator container. Chang does not contain this additional limitation. The JP '925 reference, although, teaches a range hood (A) having a ventilator container (fan housing/motor assembly 11) that is attached to the top surface (top plate 6) of the hood housing by virtue of a form-locking type connection (the peripheral edge of retaining plate 14 of the fan assembly 11 slidably engages groove 10a formed by holding part 10) for the purpose of facilitating the initial installation of the fan housing/motor assembly and any required service or replacement of these components thereafter, by providing an easily removable fan housing/motor assembly that is accessible from the underside of the hood housing so as to obviate the need for removing the entire range hood housing when only the fan or its associated motor requires service or replacement. Refer to JP '925, Figures 1-4; also refer to previously provided English abstract for JP '925 and attached English translation for JP '925, pages 1-2, paragraph [0004]; page 3, paragraph [0011]; page 4, paragraph [0015]; and page 6, paragraphs [0026] and [0028]. Therefore, when Chang is viewed in light of the JP '925

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reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the range hood assembly of Chang by replacing its top insertion-type ventilator container mounting arrangement with a ventilator container mounting arrangement wherein the ventilator container (fan housing) is removably secured to the underside of the top hood housing by virtue of a form-locking connection, as taught by the JP '925 reference, wherein with such a modification, the form-locking connection would be formed entirely by a grooved part fixedly attached to the top bent region of a side wall and a peripheral edge of the fan assembly retaining plate, for the purpose of facilitating the initial installation of the fan housing/motor assembly and any required service or replacement of these components thereafter, by providing an easily removable fan housing/motor assembly that is accessible from the underside of the hood housing. See previously provided English abstract for JP '925 and attached English translation for JP '925, pages 1-2, paragraph [0004] and page 6, paragraphs [0026] and [0028].

14. Furthermore, claim 24 of this application also is obvious when Chang is viewed in light of the JP '925 reference. This claim further discloses that the form-locking connection between the ventilator container and the bent region of the housing side wall is formed by the insertion of an edge portion into a groove portion. Chang does not contain this additional limitation. The JP '925 reference, although, teaches a range hood (A) having a ventilator container (fan housing/motor assembly 11) that is attached to the top surface (top plate 6) of the hood housing by virtue of a form-locking type connection (the peripheral edge of retaining plate 14 of the fan assembly 11 slidingly engages groove 10a formed by holding part 10) for the purpose of facilitating the initial installation of the fan housing/motor assembly and any required service or

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replacement of these components thereafter, by providing an easily removable fan housing/motor assembly that is accessible from the underside of the hood housing so as to obviate the need for removing the entire range hood housing when only the fan or its associated motor requires service or replacement. Refer to JP '925, Figures 1-4; also refer to previously provided English abstract for JP '925 and attached English translation for JP '925, pages 1-2, paragraph [0004]; page 3, paragraph [0011]; page 4, paragraph [0015]; and page 6, paragraphs [0026] and [0028]. Therefore, when Chang is viewed in light of the JP '925 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the range hood assembly of Chang by replacing its top insertion-type ventilator container mounting arrangement with a ventilator container mounting arrangement wherein the ventilator container (fan housing) is removably secured to the underside of the top hood housing by virtue of a form-locking connection, as taught by the JP '925 reference, wherein with such a modification, the form-locking connection would be formed by the insertion of a peripheral edge of the fan assembly retaining plate into a grooved part that is fixedly attached to the top bent region of the housing side wall, for the purpose of facilitating the initial installation of the fan housing/motor assembly and any required service or replacement of these components thereafter, by providing an easily removable fan housing/motor assembly that is accessible from the underside of the hood housing. See previously provided English abstract for JP '925 and attached English translation for JP '925, pages 1-2, paragraph [0004] and page 6, paragraphs [0026] and [0028].

***Allowable Subject Matter***

15. **Claims 25 and 26** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

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claim and any intervening claims.

*Conclusion*


16. See attached form PTO-892 for additional pertinent prior art, which was not directly relied upon in this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick F. O'Reilly III whose telephone number is (571) 272-3424. The examiner can normally be reached on Monday through Friday, 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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STEVE MCALLISTER  
SUPERVISORY PATENT EXAMINER

# Appendix A

U.S. Patent

Aug. 4, 1998

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5,788,565

